(96)

HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

Writ Petition No. 66 OF 2006.

PETITIONER	:	Smt. Archana Shah, wife of Shri Pravesh Shah, aged about 32 years, resident of M.I.G. 137, Padmnabhpur, District Durg (Chhattisgarh) 491001.
	Versus	
RESPONDENTS	1.	Indian Oil Corporation Limited, Marketing Division, Raipur D8ivisional Office, Indian Oil Bhawan, Rajiv Gandhi Marg (V.I.P. Road) P.O. Ravigram, Telibandha, Raipur (Chhattisgarh) 492006,
	2.	The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd., V.I.P. Road, Telibandha, Ravigram P.O., Raipur (Chhattisgarh).

Present : Shri H.B. Agrawal, learned Sr. Advocate with Shri Deepak Jain, learned counsel for the petitioner.
Shri V.S. Tiwari, learned counsel for the respondents.

(ORAL ORDER)
(Passed on 20th July, 2006)

This writ petition deserves to be allowed on a short ground of utter violation of principles of natural justice and fair play in action. Section Panel for S.K.O. dealership granted to the petitioner at Abhanpur, District Raipur was cancelled by the impugned order of the Corporation dated 19-12-2005 because of certain undisclosed complaint received by the Corporation against the petitioner. In response to the notice issued by this Court, the Corporation has filed its return. In the return, it is stated that the petitioner was allotted marks under the head "Land and Infrastructure", but, subsequently it was noticed that the petitioner has not shown or

mentioned any land in her application form. The correctness of the above statement of the Corporation was hotly contested by the learned counsel for the petitioner by contending that as permitted by the Corporation itself, the petitioner had acquired the land. There is no need for this Court to deal with this writ petition on merits to see whether there was justification for the Corporation to cancel the S.K.O. dealership allotted to the petitioner or not. The fact remains that the impugned order was passed behind the back of the petitioner and that too without disclosing the ground now stated in the return as a ground to cancel the dealership. Affected should be appraised is a mandatory requirement flowing from Article 14 of the Constitution.

2. In that view of the matter, I allow this writ petition, set aside the impugned order dated 19-12-2005. However, this order shall not come in the way of the Corporation passing appropriate order after issuing notice to the petitioner and giving her a reasonable opportunity of being heard, if there is any good ground to cancel the dealership, in accordance with law. No costs.

Sd/-
S.R. Nayak
Chief Justice